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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/583,301 | 05/30/2000 | Robert Seliger | S1389/7009 | 2275 |

7590 09/24/2003

Gary S Engelson
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EXAMINER

JACOBS, LASHONDA T

| ART UNIT | PAPER NUMBER |
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2157

DATE MAILED: 09/24/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/583,301

Applicant(s)

SELIGER, ROBERT

Examiner

LaShonda T. Jacobs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-47 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicant's amendment filed on June 27, 2003. Claims 1-47 are presented for further examination.

Election/Restrictions

1. Restriction to one of the following inventions is required 35 U.S.C. 121.
 - I. Claims 1-7, 8-11, 12-29, and 30-38, drawn to a context management system comprising a server appliance, comprising a computer system and at least one memory in which is stored a set of instructions, classified in class 709, subclass 204.
 - II. Claims 39-47, drawn to a method for context management comprising exchanging context data over a network, between a context management server coupled to the network and a plurality of applications installed on corresponding plurality of computers, classified in class 709, subclass 104.
2. The inventions are distinct, each from one another because the following reasons: Inventions I and II are related as subcombinations disclosed as usable together in single combination. The subcombinations are distinct from each if they shown to be separately usable. In the instant case, invention I has a separate utility such as a method where context data is exchanged over a network, between a context management server coupled to a plurality of applications installed on a corresponding plurality of computers (as set forth in invention II). See MPEP § 806.05(d).

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement may be traversed (37 CFR 1.143).

Response to Arguments

The Office notes the following arguments:

- a. Hayes does not disclose or suggest a context management system comprising a server appliance.
- b. Hayes does not disclose or suggest an implementation, which employs a server appliance.
- c. Hayes does not disclose or suggest a context management system comprising a web server, accessible through a network via a protocol.
- d. Hayes simply does not disclose or suggest an implementation, which comprises a web server that sends and receives communication via the HTTP protocol, as recited in claim 8. Therefore, Hayes does not disclose or suggest the context management system recited in claim 8.
- e. Hayes does not disclose or suggest a server appliance. Thus, Hayes does not disclose or suggest receiving first network message on server appliance, as recited in claim 12.
- f. Hayes does not disclose or suggest a context management system comprising a server appliance, as recited in claim 30.
- g. Hayes does not disclose or suggest a method for context management comprising, inter alia, exchanging context data, comprising a data item usable by first and second applications, the data item having a set of values comprising a first value corresponding to the first application and a second value corresponding to the second application, wherein the value of the data item corresponding to the first application is exchanged for the value of the data item corresponding

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to the second application to retain context. Hayes does not disclose or suggest exchanging data retain to a context.

h. Hayes does not disclose or suggest retaining a context upon switching from one application to another, but rather changing context within a single application. Therefore, Hayes does not disclose or suggest the method for context management recited in claim 39.

i. Hayes does not or suggest exchanging context data, comprising a data item usable by first and second applications, the data item having a set of values comprising a first value corresponding to the first application and a second value corresponding to the second application, wherein the value of the data item corresponding to the first application is exchanged for the value of the data item corresponding to second application to retain the context. As a result, Hayes does not disclose or suggest the context management system recited in claim 42.

In response to (a)-(i), Applicant's argument are subjected to restriction requirements and non-statutory subject matter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

LaShonda T. Jacobs
Examiner
Art Unit 2157

ltj
September 15, 2003



ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
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